

Appl. No. 10/086,976
Amendment filed December 4, 2003
Response to Office Action mailed August 12, 2003.

REMARKS

Claims 1-15 are pending in this application. Claims 1, 6, and 7 have been amended and claims 9-15 have been added. The amendments and new claims are fully supported by the specification and drawing as originally filed. No new matter has been added.

The Office Action mailed August 12, 2003, has been received and carefully reviewed. Reconsideration and withdrawal of the rejections of the claims of the above-identified application is respectfully requested.

Rejections Under 35 U.S.C. §102(b)

Claims 1 and 4 are rejected as being clearly anticipated by Erickson (US 2,623,647). Claims 1 and 4, as amended, recite a wall extending upward from the bottom of the housing such that the wall, the moveable plate and the housing enclose at least part of the lower section of the housing. Erickson fails to teach or suggest this limitation. The catch pan of Erickson extends across the entire housing as shown in figure 2. Thus, Erickson fails to teach each and every element of the claimed device. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. §103

Claim 2 is rejected as being unpatentable over Erickson in view of Bethard et al. (US 2,863,572). Erickson fails to teach the limitations of independent claim 1 for the reasons set forth above. Bethard et al. do not supply the teachings lacking in Erickson. Therefore, neither Erickson, Bethard et al., nor a combination of the references teaches or suggests the invention as claimed. Withdrawal of the rejection is respectfully requested.

Claims 3 and 7 are rejected as being unpatentable over Erickson in view of Tune (US 3,662,904). Erickson fails to teach the limitations of independent claim 1 for the reasons set forth above. Independent claim 7, as amended, recites a pill or capsule counting system with separate, adjacent dispensing and stock collection openings configured to allow for simultaneous dispensing of counted pills into a prescription vial

Appl. No. 10/086,976
Amendment filed December 4, 2003
Response to Office Action mailed August 12, 2003.

and return of excess pills to a stock container. Neither Erickson nor Tune teaches or suggests this feature. Withdrawal of the rejection is respectfully requested.

Claim 5 is rejected as being unpatentable over Erickson. Erickson fails to teach the limitations of independent claim 1 for the reasons set forth above. Therefore, Erickson also fails to teach or suggest the invention of dependent claim 5. Withdrawal of the rejection is respectfully requested.

Claim 8 is rejected as being unpatentable over Erickson in view of Tune, as applied to claim 7, and further in view of Bethard et al. as applied to claim 2. Erickson fails to teach the limitations of independent claim 7 for the reasons set forth above. Neither Tune nor Bethard et al. supply the teachings lacking in Erickson. Therefore, a combination of the references also fails to teach or suggest the invention as claimed. Withdrawal of the rejection is respectfully requested.

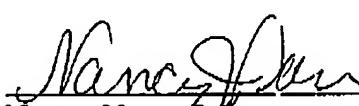
It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332.5300

Date:

12/4/03


Name: Nancy J. Parsons
Reg. No.: 40,364

Douglas P. Mueller
Reg. No.: 30,300